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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,027

12/01/2003

Kirby D. Jabusch

200301USA

8772

7590

07/11/2005

Jack E. Ebel  
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EXAMINER

WALKER, ZAKIYA NICOLE

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EA

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,027	<b>Applicant(s)</b> JABUSCH, KIRBY D.	
	<b>Examiner</b> Zakiya N. Walker	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-64 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 60-64 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 16-23, 26, 28, 30-38, 40, 41, 45, 48, 49, 52, 53 and 56-58 is/are rejected.
- 7) ☒ Claim(s) 9, 14, 15, 24, 25, 27, 29, 39, 42-44, 46, 47, 50, 51, 54, 55 and 59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12012003</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-13, 16-19, 21-23, 26, 28, 30-32, 34-38, 40, 41, 45, 48, 49, 52, 53, and 56-58 are rejected under 35 U.S.C. 102(b) as being anticipated by McDonald et al.

McDonald et al. discloses, with respect to claim 1, a method that includes a method for transmitting signals through a tubular comprising: transmitting electromagnetic signals through a non-magnetic metal section C in the tubular. With respect to depending claims 2-7 and 10, the reference teaches the limitations as claimed, including metal tubular, subterranean well, electromagnetic signals, detecting a field, controlling or monitoring a device, and magnetic field signals. With respect to claim 11, the reference discloses a method for transmitting signals in a metal tubular having a non-magnetic metal tubular section comprising: transmitting electromagnetic signals from an inside of the non-magnetic metal tubular section, through a sidewall of the non-magnetic metal tubular section, to an antenna (outside of 206) positioned on an outside of the non-magnetic metal tubular section; the antenna detecting the electromagnetic signals, or a secondary field associated with the electromagnetic signals. With respect to depending claims 12, 13, and 16-19, the reference teaches the limitations as claimed. With respect to claim 21, the reference discloses a method that includes a method for

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transmitting signals in a metal tubular having a non magnetic metal tubular section comprising: moving a transmitter device 209 (in probe 10) configured to emit electromagnetic signals through the metal tubular and through the non magnetic metal tubular section; emitting the electromagnetic signals during the moving step; and detecting the electromagnetic signals, or a secondary field associated with the electromagnetic signals, using an antenna positioned proximate to the non magnetic metal tubular section. With respect to depending claims 22, 23, 26, 28, and 30, the reference teaches the limitations as claimed, including monitoring a sensor 23-25, the electromagnetic signals in a PSK or FSK format, and moving (of probe 10) is performed by wireline. With respect to claim 31, the reference discloses a system that includes a signal transmission system comprising: a metal tubular; a non-magnetic metal section on the metal tubular', and an antenna outside the tubular proximate to the non-magnetic metal section configured to receive electromagnetic signals transmitted through the non-magnetic metal section. With respect to depending claims 32, 34-37, the reference teaches the limitations as claimed, including a transmitter and a receiver control circuit 206, 207. With respect to claim 38, the reference discloses a system that includes a signal transmission system comprising: a metal tubular having a non magnetic metal section; a transmitter device configured to move through the metal tubular and the non magnetic metal section and to emit electromagnetic signals through the non magnetic metal section', and an antenna outside the non magnetic metal section configured to detect the electromagnetic signals or a secondary field associated with the electromagnetic signals. With respect to depending claims 40 and 41 the reference

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teaches the limitations as claimed. With respect to claim 45, the reference discloses a system that includes a signal transmission system in a metal tubular comprising: a transmitter device inside the metal tubular configured to emit electromagnetic signals; a non magnetic metal tubular section on the metal tubular configured to transmit the electromagnetic signals; an antenna outside the metal tubular proximate to the non magnetic metal tubular section configured to receive the electromagnetic signals or a secondary field associated with the electromagnetic signals', and a receiver-control circuit outside the metal tubular in electrical communication with the antenna configured to detect the electromagnetic signals or the secondary field, and to control or monitor a device or operation associated with the metal tubular. With respect to depending claims 48, 49, and 52, the reference teaches the limitations as claimed. With respect to claim 53, the reference discloses a system that includes a signal transmission system in a metal tubular comprising: a non magnetic metal tubular section on the metal tubular having a sidewall', an antenna proximate to the non magnetic metal tubular section', a transmitter device inside the metal tubular configured to transmit electromagnetic signals through the sidewall of the nonmagnetic metal tubular section to the antenna', and a circuit 207 in signal communication with the antenna configured to detect, amplify, filter and tune the electromagnetic signals, or a secondary field associated with the electromagnetic signals. With respect to depending claims 56-58, the reference teaches the limitations as claimed.

3. Claims 1-8, 10-13, 16-20, 31-33, 35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Waters et al.

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Waters et al. discloses, with respect to claim 1, a method that includes a method for transmitting signals through a tubular comprising: transmitting electromagnetic signals through a non-magnetic metal section 102 in the tubular. With respect to depending claims 2-8 and 10, the reference teaches the limitations as claimed, including metal tubular, subterranean well, electromagnetic signals, detecting a field, controlling or monitoring a device, a stainless steel segment, and magnetic field signals. With respect to claim 11, the reference discloses a method for transmitting signals in a metal tubular having a non-magnetic metal tubular section comprising: transmitting electromagnetic signals from an inside of the non-magnetic metal tubular section, through a sidewall of the non-magnetic metal tubular section, to an antenna positioned on an outside of the non-magnetic metal tubular section; the antenna detecting the electromagnetic signals, or a secondary field associated with the electromagnetic signals. With respect to depending claims 12, 13, and 16-20, the reference teaches the limitations as claimed including producing the well. With respect to claim 31, the reference discloses a system that includes a signal transmission system comprising: a metal tubular; a non-magnetic metal section on the metal tubular', and an antenna outside the tubular proximate to the non-magnetic metal section configured to receive electromagnetic signals transmitted through the non-magnetic metal section. With respect to depending claims 32, 33, 35, and 37, the reference teaches the limitations as claimed, including a coil wire 115.

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***Allowable Subject Matter***

4. Claims 9, 14, 15, 24, 25, 27, 29, 39, 42-44, 46, 47, 50, 51, 54, 55, and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

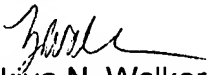
5. Claims 60-64 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Zakiya N. Walker  
Primary Examiner  
Art Unit 3676

zw  
July 7, 2005